

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA,  
PENNSYLVANIA GAME COMMISSION,

Plaintiff,

v.

THOMAS E. PROCTOR HEIRS TRUST and  
the MARGARET O.F. PROCTOR TRUST,

Defendants.

Case No. 1:12-CV-1567

Chief Judge Conner /  
Chief Magistrate Judge Schwab

**JOINT EXHIBIT LIST**

Plaintiff, the Commonwealth of Pennsylvania, Pennsylvania Game Commission (“PGC”), and Defendants, the Thomas E. Proctor Heirs Trust and the Margaret O.F. Proctor Trust (the “Trusts”), hereby submit the attached joint list of exhibits which may be used at trial. The Parties reserve the right to supplement this list to the extent permitted by the Federal Rules of Civil Procedure, the Local Rules, and the policies and procedures of this Court, and to offer exhibits in rebuttal. Necessarily, this means the potential objections are still not finalized. The PGC reserves the right to complete its list of objections to any Exhibits.

The parties are still discussing the potential need for live testimony (with a view toward minimizing or avoiding the need for testimony in open court) and, if testimony is required, which witnesses may be called. The parties will supplement

this disclosure to provide that information as soon as these discussions have been completed.

Dated: June 19, 2020

Respectfully submitted,

/s/ Bradley C. Bechtel\*

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*\*With permission*

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Respectfully submitted,

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*Attorneys for the Thomas E. Proctor  
Heirs Trust and Margaret O.F.  
Proctor Trust*

<b>Trial Exhibit No.</b>	<b>Date</b>	<b>Author/Source</b>	<b>Type of Document/Bates No.</b>	<b>Objection (Authenticity/Admissibility)</b>
<b>J1</b>		<b>Percheron, LLC filed by Defendants to Doc No. 97-1</b>	<b>Title to Josiah Haines Warrant, Doc No. 97-1, Bates Numbers 013587-014201</b>	<b>The Trusts object only to the initial letter, as hearsay and improper opinion testimony</b>
<b>J2</b>		<b>PGC</b>	<b>PGC TITLE ABSTRACT L-2 Contract</b>	
<b>J3</b>	<b>6/5/1893; recorded 7/6/1893</b>	<b>Bradford County Recorder's Office</b>	<b>Schrader Mining and Manufacturing to Proctor &amp; Hill Deed (DB 197/270)</b>	
<b>J4</b>	<b>10/27/1894; recorded 1/23/1895</b>	<b>Bradford County Recorder's Office</b>	<b>Proctor &amp; Hill - Union Tanning Deed (DB 205/436)</b>	
<b>J5</b>	<b>5/5/1903</b>	<b>Bradford County Recorder's Office</b>	<b>Union Tanning - CPLC Deed (DB 251/520)</b>	
<b>J6</b>	<b>12/20/1920; recorded 4/29/1921</b>	<b>Bradford County Recorder's Office</b>	<b>CPLC - Commonwealth Deed (DB 342/376)</b>	
<b>J7</b>	<b>12/30/1924</b>	<b>Bradford County Recorder's Office</b>	<b>Elk Tanning - CPLC Deed (DB 355/165)</b>	
<b>J8</b>		<b>Bradford County filed by Defendants to Doc No. 99-1</b>	<b>Exhibit 3, Part One, List of Unseated Lands and Taxes Bradford County 1890-1895</b>	
<b>J9</b>		<b>Bradford County filed by Defendants to Doc. No.100-1</b>	<b>Exhibit 3, Part 2, List of Unseated Lands and Taxes Bradford county, 1896-1900</b>	
<b>J10</b>		<b>Bradford County, filed by Defendants to No. 101-1</b>	<b>Exhibit 3, Part 3, List of Unseated Lands and Taxes Bradford County, 1901-1905</b>	
<b>J11</b>		<b>Bradford County, filed by Defendants to No. 102-1</b>	<b>Exhibit 3, Part 4, List of Unseated Lands and Taxes Bradford County, 1906-1908</b>	

<b>Trial Exhibit No.</b>	<b>Date</b>	<b>Author/Source</b>	<b>Type of Document/Bates No.</b>	<b>Objection (Authenticity/Admissibility)</b>
<b>J12</b>		<b>Filed by Defendants to Doc No. 105-1</b>	<b>Newspaper filed by Defendants to Do No. 105-1</b>	
<b>J13</b>		<b>Filed by Defendants to Doc. No. 105-2</b>	<b>Newspaper filed by Defendants to Doc. No. 105-2</b>	
<b>J14</b>		<b>Filed by Defendants to doc. No. 105-3</b>	<b>Newspaper filed by Defendants to Doc. No. 105-3</b>	
<b>J15</b>		<b>Filed by Defendants to Doc. No. 105-4</b>	<b>Newspaper filed by Defendants to Doc. No. 105-4</b>	
<b>J16</b>		<b>Filed by Defendants to Doc. No. 105-5</b>	<b>Newspaper filed by Defendants to Doc No. 105-5</b>	
<b>J17</b>		<b>Filed by Defendants to Doc. No. 105-6</b>	<b>Newspaper filed by Defendants to Doc. No. 105-6</b>	
<b>J18</b>		<b>Filed by Defendants to Doc. No. 106-1</b>	<b>Newspaper filed by Defendants to Doc No. 106-1</b>	
<b>J19</b>		<b>Filed by Defendants to doc. No. 106-2</b>	<b>Newspaper filed by Defendants to Doc. No. 106-2</b>	
<b>J20</b>		<b>Filed by Defendants to Doc. No. 106-3</b>	<b>Newspaper filed by Defendants to Doc. No. 106-3</b>	
<b>J21</b>		<b>Filed by Defendants to Doc. No. 106-4</b>	<b>Newspaper filed by Defendants to Doc. No. 106-4</b>	
<b>J22</b>		<b>Filed by Defendants to Doc. No. 106-5</b>	<b>Newspaper filed by Defendants to Doc. No. 106-5</b>	
<b>J23</b>		<b>Filed by Defendants to Doc. No. 107-1</b>	<b>Newspaper filed by Defendants to Doc. No. 107-1</b>	
<b>J24</b>		<b>Filed by Defendants to Doc. No. 107-2</b>	<b>Newspaper filed by Defendants to Doc. No. 107-2</b>	
<b>J25</b>		<b>Bradford County Recorder's Office</b>	<b>Treasurer's Deed Book Volume 7 page 189</b>	
<b>J26</b>	<b>12/6/1910</b>	<b>Bradford County Recorder's Office</b>	<b>McCauley - CPLC Quitclaim Deed (DB 300/401)</b>	

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<b>P1</b>		<b>PGC</b>	<b>PGC TITLE ABSTRACT L-36 Bates Numbers 001663-002440 Bates Numbers 001633 through 002166 were filed by Defendants as Doc. No. 107-3</b>	
<b>P2</b>		<b>PGC</b>	<b>PGC TITLE ABSTRACT L-96 Bates Numbers 002897-003093</b>	
<b>P3</b>		<b>Wilkinson</b>	<b>Declaration and Attachments filed by PGC 7/2/2018 at Doc. No. 126-1</b>	<b>The Trusts object to the admission of the Wilkinson Declaration and attachments for the reasons stated in ECF Nos. 136, 137 and 145.</b>
<b>P4 (IN REBUTTAL)</b>	<b>1909-1921</b>	<b>PHT</b>	<b>Proctor 6797-6954</b>	<b>The Trusts' objections as to relevancy are pending depending upon which pages are introduced and for what purpose.</b>
<b>P5</b>		<b>Other PHT records or government records</b>		<b>The Trusts' objections are pending depending on which documents are introduced and for what purpose.</b>
<b>D1</b>	<b>1890-1930</b>	<b>Bradford County Historical Society</b>	<b>Leroy Township Assessment Book Excerpts</b>	<b>Cumulative if info. is reflected in Percheron abstract</b>
<b>D2</b>	<b>1890-1930</b>	<b>Bradford County Historical Society</b>	<b>Barclay Township Assessment Book Excerpts</b>	<b>Irrelevant; immaterial</b>
<b>D3</b>	<b>1890-1930</b>	<b>Bradford County Historical Society</b>	<b>Overton Township Assessment Book Excerpts</b>	<b>Irrelevant; immaterial</b>
<b>D4</b>	<b>1907</b>	<b>Pennsylvania State Archives</b>	<b><i>Gamble, et al. v. Central Pennsylvania Lumber Company, et al., Paper Book of Appellants (ECF No. 103-3)</i></b>	<b>Irrelevant; immaterial</b>

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<b>D5</b>	<b>1900-1915</b>	<b>PHT (ECF No. 130-2)</b>	<b>Proctor Estate letters to Treasurers (ECF No. 133-1)</b>	<b>Irrelevant; immaterial; hearsay; authenticity</b>
<b>D6</b>	<b>1905-1909</b>	<b>Lycoming County Historical Society (Taber Museum)</b>	<b>McIntyre Township Assessments (ECF No. 130-5- to 132-1)</b>	<b>Irrelevant; immaterial</b>
<b>D7</b>	<b>2007</b>	<b>Commonwealth of Pennsylvania DCNR</b>	<b>DCNR Oil and Gas Fields Map (ECF No. 132-3)</b>	<b>Irrelevant; immaterial</b>
<b>D8</b>		<b>Bradford County Historical Society</b>	<b>Seated Land Assessment Records (Ex. B to oral argument)</b>	<b>The PGC objects this is irrelevant and immaterial and reserves any other objections as it has not completed review.</b>
<b>D9</b>	<b>1897; 1917</b>	<b>newspapers.com</b>	<b>News Articles regarding Proctor-Hill Coal Activity (Ex. H to oral argument)</b>	<b>Irrelevant; immaterial; hearsay; authenticity</b>
<b>D10</b>	<b>1908</b>	<b>Potter County Prothonotary</b>	<b>Petition and Appeal - <i>In re Appeal F.H. &amp; C.W. Goodyear and Central Pennsylvania Lumber Company</i>, No. 82, March Term, 1908 (ECF No. 104-3)</b>	<b>Irrelevant; immaterial</b>
<b>D11</b>	<b>1908</b>	<b>Potter County Prothonotary</b>	<b>Evidence, <i>In re Appeal F.H. &amp; C.W. Goodyear and Central Pennsylvania Lumber Company</i>, No. 82, March Term, 1908 (ECF No. 104-4)</b>	<b>Irrelevant; immaterial</b>
<b>D12</b>	<b>1903</b>	<b>Filed by Defendants to Document No. 108-1</b>	<b>First Annual Report of CPLC filed by Defendants as doc. No. 108-1</b>	<b>Irrelevant; immaterial</b>
<b>D13</b>	<b>5/22/1903</b>		<b>Articles of Incorporation (ECF No. 107-4 to 107-5)</b>	<b>Irrelevant; immaterial</b>
<b>D14</b>	<b>5/22/1903</b>		<b>Certificate of Incorporation, May 22, 1903</b>	<b>Irrelevant; immaterial</b>

<b>Trial Exhibit No.</b>	<b>Date</b>	<b>Author/Source</b>	<b>Type of Document/Bates No.</b>	<b>Objection (Authenticity/Admissibility)</b>
<b>D15</b>	<b>4/23/1904</b>	<b>CPLC (successor IDC)</b>	<b>Letter from F.W. Simmons to McCauley, Apr. 23, 1904 (ECF No. 108-2)</b>	<b>Irrelevant; immaterial; hearsay; and incapable of authentication</b>
<b>D16</b>	<b>9/4/1905</b>	<b>CPLC (successor IDC)</b>	<b>Letter from A.E. Borchert to McCauley, Sept. 4, 1905 (ECF No. 108-3)</b>	<b>Irrelevant; immaterial; hearsay; and incapable of authentication</b>
<b>D17</b>	<b>12/19/1905</b>	<b>CPLC (successor IDC)</b>	<b>Letter from W.E. Henderson to McCauley, Dec. 19, 1905 (ECF No. 108-4)</b>	<b>Irrelevant; immaterial; hearsay; and incapable of authentication</b>
<b>D18</b>	<b>1906</b>	<b>James V. Brown Library Williamsport</b>	<b><i>Boyd's Directory of Williamsport 1906</i> (ECF No. 109-1)</b>	<b>Irrelevant; immaterial; authenticity</b>
<b>D19</b>	<b>1907</b>	<b>James V. Brown Library Williamsport</b>	<b><i>Boyd's Directory of Williamsport 1907</i> (ECF No. 109-2)</b>	<b>Irrelevant; immaterial; authenticity</b>
<b>D20</b>	<b>1908</b>	<b>James V. Brown Library Williamsport</b>	<b><i>Boyd's Directory of Williamsport 1908</i> (ECF No. 109-3)</b>	<b>Irrelevant; immaterial</b>
<b>D21</b>	<b>1908</b>	<b>Potter County Prothonotary</b>	<b>Petition and Appeal, <i>In re Appeal of Central Pa. Lumber Co.</i>, No. 179, June Term, 1908 (ECF No. 109-4)</b>	<b>Irrelevant; immaterial</b>
<b>D22</b>	<b>1909</b>	<b>James V. Brown Library Williamsport</b>	<b><i>Boyd's Directory of Williamsport 1909</i> (ECF No. 109-5)</b>	<b>Irrelevant; immaterial; hearsay; authentication</b>
<b>D23</b>	<b>1908</b>	<b>Potter County Prothonotary</b>	<b>Evidence, <i>In re Appeal of Central Pa. Lumber Co.</i>, No. 179, June Term, 1908 (ECF No. 109-6)</b>	<b>Irrelevant; immaterial</b>
<b>D24</b>	<b>1910</b>	<b>United States Census</b>	<b>1910 Manuscript census schedule (ECF No. 110-7)</b>	<b>Irrelevant; immaterial</b>
<b>D25</b>	<b>1910</b>	<b>Potter County Prothonotary</b>	<b>Certiorari, <i>In re Appeal of Central Pa. Lumber Co.</i>, No. 273, January Term, 1910 (ECF No. 109-7)</b>	<b>Irrelevant; immaterial</b>

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<b>D26</b>	<b>1910</b>	<b>Pennsylvania State Archives</b>	<b>Paper Book of Appellants, <i>In re Appeal of Central Pa. Lumber Co.</i>, No. 273, January Term, 1910 (ECF No. 109-8)</b>	<b>Irrelevant; immaterial</b>
<b>D27</b>	<b>11/2/1914</b>	<b>Calvin McCauley, Jr./Federal Archives</b>	<b>Declaration of Trust (ECF No. 109-9)</b>	<b>Irrelevant; immaterial</b>
<b>D28</b>		<b>Federal Archives</b>	<b>Appendix, <i>Proctor v. Sagamore Big Game Club</i>, No. 12715 (3d Cir.) (ECF No. 109-10)</b>	<b>Irrelevant; immaterial</b>
<b>D29</b>		<b>Public Records</b>	<b>McCauley Quitclaim Deeds - Sullivan County DB 34, P522; SC DB 36, P. 223; LC DB 209/ Page 34 LC DB 203, Page 269; BC DB 300, Page 401; 219, LC DB 219, Page 248</b>	<b>Irrelevant; immaterial</b>
<b>D30</b>	<b>3/27/1916</b>	<b>CPLC (successor IDC)</b>	<b>Letter from McCauley to L.M. Otto, Jr., Mar. 27, 1916 (ECF No. 110-1)</b>	<b>Irrelevant; immaterial; hearsay; authenticity</b>
<b>D31</b>	<b>5/15/1916</b>	<b>CPLC (successor IDC)</b>	<b>Letter from McCauley to L.M. Otto, Jr., May 15, 1916 (ECF No. 110-2)</b>	<b>Irrelevant; immaterial; hearsay; authenticity</b>
<b>D32</b>	<b>4/4/1917</b>	<b>Newspapers.com</b>	<b><i>Williamsport Sun- Gazette</i>, Apr. 4, 1917 (ECF N. 110-3)</b>	<b>Irrelevant; immaterial; hearsay; and incapable of authentication</b>
<b>D33</b>	<b>1907-1921</b>	<b>PHT (ECF No. 130-2)</b>	<b>Proctor Trust Correspondence regarding McCauley (PROCTOR006797-6843)</b>	<b>Irrelevant; immaterial; hearsay; authenticity</b>
<b>D34</b>	<b>8/25/1920</b>	<b>CPLC; PHT</b>	<b>CPLC Map of Lands (132-2; 133-11)</b>	<b>Irrelevant; immaterial</b>



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<b>D35</b>	<b>1907-1930</b>	<b>PHT (ECF No. 130-2)</b>	<b>Proctor Trust Correspondence with George Hill (133-14 to 133-24)</b>	<b>Irrelevant; immaterial; hearsay; authenticity</b>
<b>D36</b>	<b>6/15/1931</b>	<b>PGC Title Report</b>	<b>Letter from Potter to Slaughterback, June 15, 1931 (ECF No. 153-4)</b>	<b>Irrelevant; immaterial</b>
<b>D37</b>	<b>8/19/1931</b>	<b>PGC Title Report</b>	<b>Letter from Potter to CPLC, Aug. 19, 1931 (ECF No. 153-2)</b>	<b>Irrelevant; immaterial</b>
<b>D38</b>	<b>8/26/1931</b>	<b>PGC Title Report</b>	<b>Letter from A.F. Jones to Potter, Aug. 26, 1931 (ECF No. 153-3)</b>	<b>Irrelevant; immaterial</b>
<b>D39</b>	<b>1904</b>	<b>John Moody</b>	<b><i>The Truth About The Trusts</i> (ECF No. 103-1)</b>	<b>Irrelevant; immaterial; hearsay</b>
<b>D40</b>	<b>1972</b>	<b>Thomas Taber</b>	<b><i>Sunset Along Susquehanna Waters</i> (ECF No. 103-2)</b>	<b>Irrelevant; immaterial</b>
<b>D41</b>			<b>Will of Thomas E. Proctor</b>	<b>Irrelevant; immaterial</b>
<b>D42</b>	<b>9/5/57</b>		<b>Stipulation, <i>Proctor v. Sagamore Big Game Club</i>, No. 12715 (3d Cir.) (ECF No. 110-4)</b>	<b>Irrelevant; immaterial</b>
<b>D43</b>			<b>Exhibit A to Complaint, <i>Pa. Game Comm'n v. Thomas E. Proctor Heirs Trust</i>, No. 493 MD 2017 (excerpts) (ECF No. 104-5)</b>	<b>Irrelevant; immaterial</b>
<b>D44</b>		<b>Bradford County Historical Society</b>	<b>Declaration of Henry Farley (ECF No. 96-2)</b>	<b>The PGC objects this is irrelevant and immaterial and reserves any other objections as it has not completed review.</b>
<b>D45</b>		<b>Bradford County Recorder and Register of Deeds</b>	<b>Declaration of Shirley Rockefeller (ECF No. 96-8)</b>	<b>The PGC objects this is irrelevant and immaterial and reserves any other objections as it has not completed review.</b>

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<b>D46</b>		<b>Pennsylvania State Archives</b>	<b>Declaration of Jonathan Stayer (ECF No. 96-9)</b>	<b>The PGC objects this is irrelevant and immaterial and reserves any other objections as it has not completed review</b>
<b>D47</b>			<b>Declaration of Greg Gass (ECF No. 130-1)</b>	<b>The PGC objects this is irrelevant and immaterial and reserves any other objections as it has not completed review.</b>